REMARKS

The Office Action mailed on November 20, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-35 were pending. By this paper, Applicants do not cancel any claims, and add claims 36 and 37. Therefore, claims 1-37 are now pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

Indication of Allowable Subject Matter

Applicants thank Examiner Hurley for the indication that claims 6 and 27-35 are allowable. Applicants note that as claims 6 and 27 were in independent form at the time of the Office Action, these claims were allowable at that time, and thus no amendments are necessary to place them into independent form per section 8 of the Office Action.

Interview of February 29, 2008

Examiner Hurley is thanked for extending the courtesy of an interview to Applicant's representatives on February 29, 2008, where it was agreed that if claim 1 was amended to recite the recitations of claim 6 (allowed in the Office Action) to include the language regarding the lay length, while eliminating the reference to elongation at rupture currently in claim 1, and arguments were made briefly detailing the inadequacies of the prior art with respect to a "high load application," the claims would likely be allowed. Indeed, such is consistent with the indication that claim 34 is allowable.

Applicants further memorialize that agreement was reached that the amendments made to the co-pending application that is the subject of the double-patenting rejection, and/or the amendments made to claim 1 herein, would alleviate that rejection.

In reliance on the February 29 interview, Applicants hereby amend claim 1 to parallel claim 6 / include some of the language of claim 34 (both of which were indicated as being allowable), except for the reference to elongation at rupture.

In view of the interview of February 29, 2008, Applicants submit that the above provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

Rejections Under 35 U.S.C. § 103

Claims 1-5, 7-16 and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens (U.S. Patent No. 3,908,715). Further, claims 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens in view of Bruyneel (U.S. Patent No. 5,784,874). Claims 17, 19 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens in view of Coleman et al. (U.S. Patent 4,724,929).

In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants hereby amend claim 1 to include the recitations of claim 6, indicated as being allowable, except for the recitation to elongation at rupture. Applicants respectfully submit that the claims are allowable for at least the reasons that follow.

Claim 1 now recites that the welded part includes a welded part length, wherein said welded part length is at least 2.5 times a lay length of said metal cord. Claim 6, which was allowed, recites similar language. Accordingly, claim 1 is in condition for allowance for at least this reason.

Further, as was detailed in the interview of February 29, the present invention is directed towards a novel and unique way of salvaging metal cords used in high load applications (e.g., elevator cables, hoisting cables, etc. (see specification at, among other pages, page 7)) which were broken during manufacture, storage, transportation, *etc.* Specifically, the salvaged broken metal cords are "operated on" to restore the cord for use in that high load application.

The prior art techniques are not sufficient to provide metal strands of a cord, as recited in claim 1, which results, pursuant to the recitations therein, in a cord that may be used in a high load application. Accordingly, notwithstanding the fact that the recitations of claim 1 are not present in the cited references, it would not have been obvious to modify those references to arrive at the invention of claim 1.

In summary, claim 1 is not obvious, and thus no claim now pending is obvious.

Double Patenting

Claims 1-5 and 7-26 were *provisionally* rejected under the judicially created doctrine of obviousness-type double patenting in view of co-pending U.S. patent application serial numbers 10/521,409.

As was agreed during the February 29 interview, amendments to the claims of co-pending U.S. patent application serial number 10/521,409 and/or the amendments to claim 1 presented above will alleviate this double patenting rejection. Accordingly, Applicants provide no further comment on this matter.

Conclusion

As seen above, Applicants have added new claims 36 and 37. These claims depend from claim 1, and further recite that each radial cross-section of said metal cord includes only one metal strand which is welded (claim 36), and that no cross-section of said metal cord taken normal to a longitudinal axis of said metal cord bisects more than one weld part (claim 37), respectively.

These claims are allowable for at least the reason that they depend from claim 1, a claim which is allowable as seen above. Also, these claims are allowable for the additional reason that no reference teaches or suggests a cord where each radial cross-section of the metal cord includes only one metal strand which is welded, or a cord where no cross-section

of the metal cord taken normal to a longitudinal axis of the metal cord bisects more than one weld part.

Support for these claims may be found, among other places, in the figures as originally filed.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Hurley is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 4/21/2008 By _____

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